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FAX COVER LETTER

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DATE:

5/23/95

TIME:

TO:

NAME:

Veronica Gutierrez

COMPANY:

FAX NO.:

613-0819

RE:

FROM:

NAME:

Sam Mistrano

TITLE:

OPERATOR'S TELEPHONE NUMBER: 213. 977. 9500 x 261

NUMBER OF PAGES SENT, INCLUDING THIS COVER PAGE: 3

MESSAGE:

This is our proposal to add to
the DPOA management district
plan re: pan handling.

ACLU

Liberty and Justice for All

**American Civil Liberties Union of Southern California**

May 22, 1995

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Los Angeles, CA
90026-5752

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fax: 213. 250. 3919

Ms. Marianne Giblin
Executive Director, DPOA
110 East Ninth Street, Suite B733
Los Angeles, CA 90079

via fax: 213/488-5159

RE: PANHANDLING

Dear Marianne,

I appreciate the concern the Downtown Property Owners Association has with properly handling the homeless and panhandling situation, and look forward to working with you now and in the future on addressing the issue.

As you know, First Amendment issues are very important to the ACLU/SC, and we have the litigation to prove it. There are other interested parties who could be concerned as well -- a number much higher than those who originally testified on May 16th. Based on our last conversation, though, I am think we can easily work together.

We our pleased that the Association will add the word "aggressive" to the word "panhandling" wherever it appears and include a definition of "aggressive panhandling" along with the proposal when it goes before the City Council for approval.

Enclosed is such definition, taken from a City of Costa Mesa ordinance (available from me). The ACLU/SC and Costa Mesa worked together to produce the language of the ordinance, and both parties are happy with the result. Anything less, we believe, would be unconstitutional

You'll be pleased to know that when the agreed upon changes are made and the addendum is attached to the proposal, I will testify once again before City Council in support of that part of the proposal we had opposed. At least three Councilmembers' offices have made unsolicited calls to me expressing support for the ACLU position. I look forward to easing their concerns.

I hope the attached definition is satisfactory with the Association. Please call me with any questions at 213/977-9500 x261.

Sincerely,

Sam Mistrano
Legislative Director

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The following constitutes the definition of "aggressive panhandling" as used in Paragraph 5, Section B, subsection (ii) of the proposed Downtown Property Owners Management District.

"Aggressive Panhandling" means:

- (1) The intentional act or approaching, speaking to, gesturing or following of another person solicited for alms in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; or
- (2) The intentional act of touching of another person without such person's consent in the course of asking, begging or soliciting alms; or
- (3) The intentional act of blocking or interfering with the safe or free passage of another person solicited for alms, including causing such person to take evasive action to avoid physical contact or preventing such person from departing the location of the solicitation; or
- (4) The rendering of any service to a motor vehicle, including but not limited to any cleaning, washing, protecting, guarding or repairing of said vehicle or any portion thereof, without the prior consent of the owner, operator or occupant of such vehicle, and thereafter asking, begging or soliciting alms or payment for the performance of such service, regardless of whether such vehicle is stopped, standing or parked on a public street or upon other public or private property; or
- (5) The intentional act of blocking, preventing, impeding or interfering with the free and unobstructed ability of the person solicited to enter into or emerge from any vehicle during the course of asking, begging or soliciting alms or following a negative response by the person solicited to any such solicitation; or
- (6) The intentional act of blocking, preventing, impeding or interfering with the operation or movement of any vehicle operated or occupied by the person solicited, during the course of asking, begging or soliciting alms or following a negative response by the person solicited to any such solicitation.

"Asking, begging or soliciting alms" means:

the spoken, written, or printed word or such other act conducted for the purpose of obtaining from another person an immediate donation of money or things of value, for any purpose.

Nothing contained in this paragraph in any way changes the public character of the streets and sidewalks and other public property located within the Management District.